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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,009	11/08/2005	Johannes Petrus Maria Ansems	NL030699US1	4549

24737 7590 07/06/2009
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

HOLLWEG, THOMAS A

ART UNIT	PAPER NUMBER
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2879

MAIL DATE	DELIVERY MODE
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07/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,009	Applicant(s) ANSEMS ET AL.	
	Examiner Thomas A. Hollweg	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2009, has been entered.
2. Claim 2 is canceled. Claim 11 is added. Claims 1 and 2-11 are currently pending.

Claim Objections

3. The following claims are objected to for minor informalities:
 - a. Claim 1, "the outer bulb" in the phrase "a surface of the outer bulb facing away" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 1, 5-7 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiesler-Wittig, U.S. Patent Application Publication No. 2003/0031026 A1.**

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6. **With regard to claim 1**, in figures 1, 1a, 2 & 2a, Tiesler-Wittig discloses a metal halide lamp (10) for a vehicle headlamp [0001] comprising: a cylindrically-shaped discharge vessel (16) along a longitudinal axis, said discharge vessel (16) having a ceramic wall which encloses a discharge space comprising Xe and an ionizable filling, wherein a portion (30) of the surface of the outer bulb (20) facing away from the discharge vessel (16) is shaped as a negative lens and a cylindrically-shaped outer bulb (20) surrounding the discharge vessel (16) along the longitudinal axis, wherein the portion (30) with respect to the longitudinal axis encompasses a segment of the outer bulb (20) with a segment angle α in the range between $20 \leq \alpha \leq 110^\circ$ [0035-0040] (the sift effect of the lens (30) is a result of at least a portion of the lens being a negative lens).

7. **With regard to claim 5**, in figures 1, 1a, 2 and 2a, Tiesler-Wittig discloses that a first and a second portion (30) of the surface of the outer bulb (20) facing away from the discharge vessel (16) are shaped as a negative lens [0040] (the sift effect of the lens (30) is a result of at least a portion of the lens being a negative lens).

8. **With regard to claim 6**, in figures 1, 1a, 2 and 2a, Tiesler-Wittig discloses that the first and the second portion (30) are at opposite sides of the outer bulb (20).

9. **With regard to claim 7**, in figures 1, 1a, 2 and 2a, Tiesler-Wittig discloses that the transition between the first portion (30) and the remainder of the outer bulb (20) defines a first plane, in that the transition between the second portion (30) and the remainder of the outer bulb (20) defines a second plane, and in that the first plane and

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the second plane make an angle with respect to each other which is equal to or less than 10°.

10. **With regard to claim 9**, in figures 3 and 4, Tiesler-Wittig discloses a vehicle headlamp (40) comprising a reflector (42) and a metal halide lamp (10) as claimed in claim 1 [0041].

11. **With regard to claim 10**, in figures 1, 1a, 2 and 2a, Tiesler-Wittig discloses that the portions (30) forming the negative lenses are oriented in the direction of portions of the reflector (42) creating a cut-off between the illuminated area and the glare area according to requirements for automotive passing beam patterns [0041-0052].

12. **With regard to claim 11**, in figures 1, 1a, 2 and 2a, Tiesler-Wittig discloses that the segment angle α in the range between $60 \leq \alpha \leq 90^\circ$ [0036].

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler-Wittig as applied to claim 1 above, in view of itself.**

15. **With regard to claim 3**, all of the limitations are disclosed by Tiesler-Wittig, as discussed in the rejection of claim 1, except Tiesler-Wittig does not expressly disclose that the portion forming the negative lens comprises a flat surface. However, Tiesler-Wittig teaches that the purpose of lens elements (30) is to optically alter the image of

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the light source in order to alter the light distribution properties of the light reflected and projected in front of a vehicle [0013-0016].

16. As taught by Tiesler-Wittig, one having ordinary skill in the art would understand that that the portion forming the negative lens could comprise a flat surface to optically alter the image of the light source in a preferred way, to improve the light distribution properties of the lamp.

17. Therefore, at the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the lamp disclosed in Tiesler-Wittig wherein the portion forming the negative lens comprises a flat surface, in order to optically alter the image of the light source so that the light distribution properties of the lamp are improved, as taught by Tiesler-Wittig.

18. **With regard to claim 4**, all of the limitations are disclosed by Tiesler-Wittig, as discussed in the rejection of claim 1, except Tiesler-Wittig does not expressly disclose that the portion forming the negative lens comprises a curved surface which is less curved than the curvature of the remainder of the outer bulb. However, Tiesler-Wittig teaches that the purpose of lens elements (30) is to optically alter the image of the light source in order to alter the light distribution properties of the light reflected and projected in front of a vehicle [0013-0016].

19. As taught by Tiesler-Wittig, one having ordinary skill in the art would understand that that the portion forming the negative lens cold comprise a curved surface which is less curved than the curvature of the remainder of the outer bulb to optically alter the

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image of the light source in a preferred way, to improve the light distribution properties of the lamp.

20. Therefore, at the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the lamp disclosed in Tiesler-Wittig wherein the portion forming the negative lens comprises a curved surface which is less curved than the curvature of the remainder of the outer bulb, in order to optically alter the image of the light source so that the light distribution properties of the lamp are improved, as taught by Tiesler-Wittig.

21. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler-Wittig as applied to claims 1 and 5 above, in view of Vitt et al., U.S. Patent Application Publication No. 2004/0156984 A1.

22. All of the limitations of claim 8 are disclosed by Tiesler-Wittig, as discussed in the rejection of claim 5 above, including that the outer bulb functions to alter the emission from the discharge vessel, including to filter out UV radiation [0003].

23. However, Tiesler-Wittig does not expressly disclose that at least one of the portions forming the negative lens has anti-reflective properties.

24. Vitt, in figures 11a-c, teaches a glass coating that provides for UV filter and anti-reflective properties, in order to ensure high efficiency of emission of visible light.

25. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Tiesler-Wittig lamp with the coating, taught by Vitt, so that at least one of the portions forming the negative lens has anti-reflective properties. This coating would provide highly efficient emission of visible light.

Response to Arguments

26. Applicant argues that the prior fails to disclose the segment angle as claimed.

The examiner notes that amended claim 1 claims that the portion with respect to the longitudinal axis *encompasses* a segment of the outer bulb with a segment angle α in the *range* between $20 \leq \alpha \leq 110^\circ$. The portion only need *encompass* a segment, and a specific angle for the segment is not claimed, but rather a broad range.

27. According to MPEP 2125, when a feature is shown in the drawings and the reference is a utility patent, it does not matter that the feature shown is unintended or unexplained in the specification. The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. In re Aslanian, 590 F.2d 911, 200 USPQ 500 (CCPA 1979). Figures 2 and 2a of Tiesler-Witting clearly show the portion (30) of the surface of the outer envelope encompasses a segment, and a specific angle for the segment is in a range $20 \leq \alpha \leq 110^\circ$. For this reason, applicant's arguments are not found to be persuasive.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Hollweg whose telephone number is (571) 270-1739. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm E.S.T..

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/

/NIMESHKUMAR D. PATEL/

Supervisory Patent Examiner, Art Unit 2879